1 3 4 5 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON 6 7 CENTURY SURETY COMPANY, 8 Plaintiff, NO. CV-11-057-RHW 9 v. 10 RDER DENYING RIVER CITIES CONSTRUCTION, EFENDANT'S MOTION OR PROTECTIVE ORDER, 11 LLC, 12 Defendant. 13 A telephonic hearing was held on November 14, 2011. Plaintiff was 14 represented by Dana Ferestien. Defendant was represented by Robert Hunter. 15 On November 11, 2011, Defendant filed a Motion for Protective Order to 16 Continue Deposition (ECF No. 66), and noted the motion for hearing for the same 17 time as the previously scheduled telephonic hearing. The purpose of that hearing 18 was to determine when the deposition of Clark Hicks was to take place. 19 At the hearing, the parties conferred and agreed that the deposition of Mr. 20 Hicks would take place on December 8, 2011. Therefore, it is not necessary for the 21 Court to rule on Defendant's motion. The Court denies Defendant's request for 22 attorneys' fees. 23 Accordingly, IT IS HEREBY ORDERED: 24 Defendant's Motion for Protective Order to Continue Deposition (ECF 25 No. 66) is **DENIED**, as moot. 26 /// 27 28 ORDER DENYING DEFENDANT'S

**MOTION FOR PROTECTIVE ORDER, AS MOOT ~ 1** 

Defendant's Motion to Expedite (ECF No. 62) is **DENIED**, as moot. IT IS SO ORDERED. The District Court Executive is directed to enter this Order and provide copies to counsel. **DATED** this 15<sup>th</sup> day of November, 2011. <u>s/Robert H. Whaley</u> ROBERT H. WHALEY **United States District Court** Q:\aCIVIL\2011\Century Surety Company\denypro.wpd ORDER DENYING DEFENDANT'S **MOTION FOR PROTECTIVE ORDER, AS MOOT ~ 2**